

Taiwan's Official Action

【TRANSLATION】

PRE-NOTIFICATION OF REASONS FOR THE POSSIBLE REJECTION OF THE PENDING PATENT EXAMINATION

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SYLLABUS :

In the matter of patent application No. 093101549 under examination, this Office considers that further clarification is needed, as set forth in Item 3 of the following Explanation. If the applicant has any concrete rebuttal evidence or responsive explanation, please submit them in duplicate to this Office within 60 days following the date of service. The TIPO shall proceed with the examination on the basis of the materials presently available in the event of the applicant's failure to act in accordance with the letter within the time limit.

EXPLANATIONS :

1. Any supplement and/or amendment effected to the subject application should comply with Articles 48 and 49 of the Patent Act and Article 28 of the Implementation Regulations of the same Act.
2. If the applicant wishes to come to this Office for a personal demonstration or explanation, please denote "Apply for Interview" in the response and an official fee of NT\$1,000 should be paid at the same time. The venue and time of the "interview" will be further arranged should this Office deem it necessary.
3. After examination, the present application is considered that:
 - 3.1 The present application is amended on February 25, 2005. However, the amendments to the claims and specification exceed the scope of contents as disclosed in the original specification and drawings submitted along with the patent application, and thus such amendments should be rejected.
 - 3.2 The present application entitled "Recording Medium with Copy Protection Information Formed in Intermittent or Alternate Wobbled Pits and Apparatus and Methods for Forming, Recording, and Reproducing The Recording Medium" and filed on March 12, 2004, which includes a total of 26 claims. After amending Claims on February 25, 2005, the application includes a total of 53 claims, wherein Claims 1,

23-27, 35, 41 and 49 are independent claims, and others are dependent claims.

- 3.3 Claim 1 is directed to a recording medium including recorded data, comprising: (1) pits formed along tracks, with data recorded therein, the data including copy protection information (hereinafter CPI) for encryption and/or decryption, (2) wherein pits formed in some portions of the tracks are shifted from a track center to left and/or right to thereby form intermittent or alternate wobbled pits, wherein key information for encryption and/or decryption is encoded in a deviation shape of said pits shifted from the track center. However, EP Publication No. 0723216 (A2) published on July 24, 1996 and entitled "Compact disk player security system reproducing method and apparatus" (see Citation 1) has disclosed an optical recording medium of using wobbled pits to form a security code that prevents optical disc from being reproduced by unauthorized software, wherein the recording medium forms the security code in form of 0's and 1's in the Table of Contents (TOC) area using wobbled pits, and only if the obtained security code is the same as the predetermined code while reproducing the optical disc, a LOGO and License data are read out so as to continue authorized reproducing action (see the description concerning the security code that is formed with wobbled pits recited in Fig.2, Fig. 3, and Lines 1-48, Column 6, as well as the flow chart of reproducing the optical disc, of Citation 1). The technical feature of utilizing the intermittent wobbled pits to form a security code in TOC to prevent optical disc from being reproduced by unauthorized software is similar to the technical feature of the present claim that is described in above Items (1) and (2). Accordingly, the technical feature of Claim 1 can be easily accomplished by a person having ordinarily knowledge in the related art based on prior art before the application for patent is filed. Consequently, the independent Claim 1 fails to meet the inventive step (nonobviousness) requirement.
- 3.4 Claim 2 depends on Claim 1, which defines that the wobbled pits are in a lead-in zone of an information area of the recording medium. According to Citation 1, the wobbled pits are in a TOC. Therefore, the dependent Claim 2 clearly fails to meet the inventive step requirement.
- 3.5 Claim 3 depends on Claim 2, which defines that the wobbled pits are in a permanent information & control (PIC) data area of the information area of the recording medium. However, the present claim is merely related to a simple application concerning BD-ROM, and according to Citation 1, the wobbled pits are in a lead-in zone. Therefore, the dependent claim 3 clearly fails to meet the inventive step requirement.

- 3.6 Claim 4 depends on Claim 1, which defines that the wobbled pits are in a burst cutting area (BCA) of an information area of the recording medium. However, there are many techniques, in the known art, having utilized the BCA to record important information (such as the serial number of optical disc) to protect the optical disc. The present claim is merely related to a simple application that stores the CPI in the BCA, and thus the dependent claim 4 fails to meet the inventive step requirement.
- 3.7 Claim 5 depends on Claim 1, which defines that the data is encoded in the deviation shape of said wobbled pits. Obviously, the dependent Claim 5 fails to meet the inventive step requirement.
- 3.8 Claim 6 depends on Claim 5, which defines that said deviation shape has bi-phase modulated bit values. However, Japan patent publication No. JP08-124171 published on May 17, 1996 and entitled "Optical Disk and Its recorder" (see Citation 2) has disclosed a technique for preventing the optical disc from being reproduced, wherein said technique has used the pit train which is formed with wobbled shape (see the description recited in Paragraph [0008] of Citation 2), that is, the pit train has bi-phase Modulation (see the Fig. 5F and Fig. 5E of the Citation 2, which are similar to the Fig. 7 of the present application). Obviously, the present claim is merely related to a simple combination of the above Citation 1 and Citation 2, which combination involves no difficulty (where the motive resides in that, both use the wobbled pits to prevent disc from being reproducing or coping in an unauthorized state). Therefore, the dependent claim 6 fails to meet the inventive step requirement.
- 3.9 Claim 7 depends on Claim 1, which defines that said data includes information about the recording medium including the type of the recording medium. However, the present claim is merely related to a simple application. Therefore, the dependent claim 7 fails to meet the inventive step requirement.
- 3.10 Claim 8 depends on Claim 1, which defines that said data includes decryption information for decrypting encrypted contents recorded on the recording medium. However, the present claim is merely related to a simple application. Therefore, the dependent claim 8 fails to meet the inventive step requirement.
- 3.11 Claim 9 depends on Claim 1, which defines that said data further includes at least one of a serial number of the recording medium, disc information, and disc important information. However, the present claim is merely related to a simple application. Therefore, the dependent Claim 9 fails to meet the inventive step requirement.

- 3.12 Claim 10 depends on Claim 1, which defines that said copy protection information is a copy protect flag. However, the present claim is merely related to a simple application. Therefore, the dependent claim 10 fails to meet the inventive step requirement.
- 3.13 Claim 11 depends on Claim 9, which defines that said disc information and said disc important information may be recorded in the wobbled pits. The technical feature recited in the present claim are known by the citations. Therefore, the dependent claim 11 fails to meet the inventive step requirement.
- 3.14 Claim 12 depends on Claim 11, which defines that said wobbled pits are detected by push-pull signal detection. However, the present claim is merely related to a simple application. Therefore, the dependent claim 12 fails to meet the inventive step requirement.
- 3.15 Claim 13 depends on Claim 9, which defines that said disc information may be recorded in straight pits. However, the Citation 1 has disclosed that the logical "0" is generated by the wobbled pits, the logical "1" indicates the straight pits; if all are set to logical "1", it is merely related to a technical feature that can be easily achieved (such as by changing logical "0" to a space without any pit, logical "1" to straight pits, even if it will be easily detected because the effect of preventing the disc from being reproducing or copying is not as good). Moreover, the technical feature recited in the present claim never asserts that the straight pits are shifted from the center track. Therefore, the dependent claim 13 fails to meet the inventive step requirement.
- 3.16 Claim 14 depends on Claim 13, which defines that said straight pits are detected by RF signal detection. However, the present claim is merely related to a simple application. Therefore, the dependent claim 14 fails to meet the inventive step requirement.
- 3.17 Claim 15 fails to meet the inventive step based on the reason recited in the above Item 3.16.
- 3.18 Claim 16 depends on Claim 3, which defines that information about the recording medium including the type of the recording medium is recorded with modulation as straight pits positioned in said PIC zone, wherein the straight pits are not shifted from the track center. According to Citation 1, data can be in the straight pits, and the security code is positioned in the TOC, wherein the TOC is similar to the PIC zone. Therefore, the dependent Claim 16 fails to meet the inventive step requirement.

- 3.19 Claim 17 depends on Claim 3, which defines that decryption information for decrypting encrypted data recorded on the recording medium is recorded with modulation as straight pits positioned in said PIC zone. According to the descriptions recited in Items 3.15 and 3.18, the dependent Claim 17 fails to meet the inventive step requirement.
- 3.20 Claim 18 depends on Claim 3, which defines that decryption key information for decrypting said encrypted decryption information is encoded in the deviation shape of said pits shifted from the track center. However, the present claim is merely related to a simple application. Therefore, the dependent claim 18 fails to meet the inventive step requirement.
- 3.21 Claim 19 depends on Claim 1, which defines that arrays of said pits shifted from the track center are formed intermittently at more than two places. The present claim is merely related to a combination of Citation 1 and Citation 2, and according to the description recited in Item 3.8, the dependent claim 19 fails to meet the inventive step requirement.
- 3.22 Claim 23 is a method of forming a recording medium. Obviously, according to the detail description recited in Item 3.3, the technical feature of Claim 23 can be easily accomplished by a person having ordinarily knowledge in the related art based on prior art before the application for patent is filed. Consequently, the independent Claim 23 fails to meet the inventive step requirement.
- 3.23 Claim 24 is a method of reproducing data from a recording medium. Obviously, according to the detail description recited in Item 3.3, the technical feature of Claim 24 can be easily accomplished by a person having ordinarily knowledge in the related art based on prior art before the application for patent is filed. Consequently, the independent Claim 24 fails to meet the inventive step requirement.
- 3.24 Claim 25 is a method of recording data on a recording medium. Obviously, according to the detail description recited in Item 3.3, the technical feature of Claim 25 can be easily accomplished by a person having ordinarily knowledge in the related art based on prior art before the application for patent is filed. Consequently, the independent Claim 25 fails to meet the inventive step requirement.
- 3.25 Claim 26 is an apparatus for reproducing data from a recording medium. Obviously, according to the detail description recited in Item 3.3, the technical feature of Claim 26 can be easily accomplished by a person having ordinarily knowledge in the related art

based on prior art before the application for patent is filed. Consequently, the independent Claim 26 fails to meet the inventive step requirement.

3.26 Claims 27-53 have obviously exceeded the scope of contents as disclosed in the original specification and drawings. The descriptions recited in the original specification and drawings merely disclose copy protection information, which can serve as key information for encryption and decryption. However, the descriptions recited in the original specification and drawings never mention any indicating information or second information, for example, recited in Claims 27, 41, and 49, that is used in generating or processing a copy protected user data, such that persons skilled in the related art will not directly or ambiguously recognize such features from the original disclosure. Moreover, the physical format information, for example, recited in Claim 29 and 43, was never disclosed in the original specification. Also, the description "the copy protection information is recorded repeatedly within a data unit," for example, recited in Claim 39 and 47, was never disclosed in the original specification. Therefore, these claims have obviously gone beyond the disclosure contained in the original specification and drawings.

3.27 (Omitted in translation) - concerning typographical errors in the Chinese text*

3.28 In summary, the technical features recited in Claims 1-19, and 23-26 can be easily accomplished by a person having ordinarily knowledge in the related art based on prior art before the application for patent is filed and thus these claims fail to comply with Paragraph 4, Article 22 of the Patent Act. Furthermore, Claims 27 to 53 exceed the scope of contents as disclosed in the original specification and drawings. To comply with Paragraph 4, Article 49 of the Patent Act, the deletion of Claims 27-53 is needed.

4. The Application Form for Supplement and/or Amendment should be submitted in duplicate if any supplement and/or amendment are made. Moreover, a mark-up version in duplicate showing changes made to the specification and a clean version of amended pages of the specification and/or drawings in triplicate for substituting the original should be submitted. The entire specification and/or drawings should be submitted in triplicate, in the case where the supplement and/or amendment results in discontinuity of the page numbers of the original specification and/or drawings.

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